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10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 INWOOK "Andy" YOO,

16 Defendant.  
17  
18

No. CR 18-378-DSF

GOVERNMENT'S REVISED SENTENCING  
POSITION CONSIDERING DEFENDANT'S  
FLIGHT

Hearing: September 28, 2020  
10:00am

19 Before defendant absconded from his scheduled November 4, 2019,  
20 sentencing, the government had concurred in the findings of the  
21 Presentence Report, which resulted in a guideline range of 78 to 97  
22 months, and had recommended a Section 3553(a) variance downward to  
23 60 months. For all the reasons previously stated, the government  
24 continues to believe that a sentence below the guideline range is  
25 appropriate. But, as discussed below, defendant's guideline range  
26 has dramatically increased because by absconding, defendant has  
27 obstructed justice and has demonstrated that he has not accepted  
28 responsibility.

1           **A.     DEFENDANT'S ABSCONDING CONSTITUTES OBSTRUCTION OF JUSTICE**

2           Section 3C1.1 calls for a two-level enhancement if "(1) the  
3 defendant willfully obstructed or impeded . . . the administration  
4 of justice with respect to the . . . sentencing of the instant  
5 offense of conviction , and (2) the obstructive conduct related to  
6 (A) the defendant's offense of conviction . . . ." There is no  
7 clearer example of such conduct than defendant's flight just before  
8 sentencing. More than seven months ago, defendant fled, cutting off  
9 contact with his mother and sister, presumably so that he could not  
10 be tracked through an investigation of them, except for a phone call  
11 to tell his mother he was okay so that she would not worry  
12 excessively about his disappearance. (Dkt. 50.) By doing so, he  
13 delayed his sentencing by 10 months and, more importantly, created  
14 great doubt that any sentence this Court imposed would ever be  
15 carried out. The guidelines specify that "willfully failing to  
16 appear, as ordered, for a judicial proceeding," warrants an  
17 obstruction of justice enhancement. USSG § 3C1.1, app. n. 4(E).

18           **B.     DEFENDANT FAILED TO ACCEPT RESPONSIBILITY**

19           It is defendant's burden to establish that he has "clearly"  
20 accepted responsibility for his offense. United States v.  
21 Alexander, 48 F.3d 1477, 1493 (9th Cir. 1995); USSG § 3E1.1(a).  
22 "Conduct resulting in an enhancement under § 3C1.1 (Obstruction  
23 . . . of Justice) ordinarily indicates that the defendant has not  
24 accepted responsibility. . . ." USSG § 3E1.1, app. note 4. Here,  
25 defendant intentionally evaded responsibility for his crime by  
26 fleeing.

**C. DEFENDANT'S ADJUSTED GUIDELINE RANGE CONSIDERING HIS  
FLIGHT IS 135-168 MONTHS**

Defendant's final offense level with obstruction of justice, and without acceptance of responsibility, is 33. Because defendant is in criminal history category I, that results in a guideline range of 135 to 168 months.

**D. THE GOVERNMENT RECOMMENDS 100 MONTHS IN PRISON FOLLOWED BY  
FIVE YEARS OF SUPERVISED RELEASE**

For the reasons previously stated—especially defendant's lack of criminal history and his relinquishing his ill-gotten gains so that the victims in this case will be the rare ones who receive almost full restitution—the government believes that a sentence below the guideline range is just. Accordingly, the government recommends a prison sentence of 100 months followed by five years of supervised release.

Dated: July 2, 2020

Respectfully submitted,

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